

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN ROBERT C. CLARK**, on January 21, 1999
at 8:00 A.M., in Room 312 - 1 Capitol.

ROLL CALL

Members Present:

Rep. Robert C. Clark, Chairman (R)
Rep. Dan McGee, Vice Chairman (R)
Rep. Diana Wyatt, Vice Chairman (D)
Rep. Chris Ahner (R)
Rep. Shiell Anderson (R)
Rep. Paul Clark (D)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Joan Hurdle (D)
Rep. Rick Jore (R)
Rep. Sam Kitzenberg (R)
Rep. Brad Molnar (R)
Rep. Mark Noennig (R)
Rep. Jim Shockley (R)
Rep. Loren Soft (R)
Rep. Carol Williams (D)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Pam Schindler, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing Date: 1/21/1999- HB 295, HB 257, HB 308,
HB 309, HB 263

Date Posted: 1/18/1999

Executive Action: HB's-295, 143, 147-Tabled
HB 59-Do Pass, HB 77-Do Pass as
Amended

HEARING ON HB 295

Sponsor:

Rep. Barnett presented HB 295 and Rep. Barnett has had 2nd thoughts and would like to withdraw HB 295. Request was for immediate executive action to Table.

Motion/Vote: REP. MCGEE moved that HB 295 BE TABLED. Motion carried unanimously.

{Tape : 1; Side : A; Approx. Time Counter : 0 - 75}

HEARING ON HB 257

Sponsor:

Rep. Younkin presented HB 257.

{Tape : 1; Side : A; Approx. Time Counter : 75 - 140}

EXHIBIT (juh16a0

1)

EXHIBIT (juh16a0

2)

Proponents:

Marty Lambert, Gallatin Co. Attorney

{Tape : 1; Side : A; Approx. Time Counter : 140 - 203}

Gloria Edwards, Gallatin County Victim/Witness Program

{Tape : 1; Side : A; Approx. Time Counter : 203 - 283}

EXHIBIT (juh16a0

3)

EXHIBIT (juh16a0

4)

Karen McCarthy, Gallatin County Victim/Witness Program

{Tape : 1; Side : A; Approx. Time Counter : 283 - 346}

John Connor, Montana County Attorneys Association

{Tape : 1; Side : A; Approx. Time Counter : 340 - 431}

Mike Cronin, Dept. of Corrections

{Tape : 1; Side : A; Approx. Time Counter : 431 - 462}

Brian Burkhalter, Jefferson County Crime Victim Program

{Tape : 1; Side : A; Approx. Time Counter : 462 - 550}

{Tape : 1; Side : B; Approx. Time Counter : 0 - 29}

Mona Jamison, Gallatin County lobbyist

{Tape : 1; Side : B; Approx. Time Counter : 29 - 112}

Opponents:

Cheryl Patton, Great Falls Assistant City Manager

{Tape : 1; Side : B; Approx. Time Counter : 112 - 129}

Informational Testimony:

Robert Throssell, Montana Magistrates Association

{Tape : 1; Side : B; Approx. Time Counter : 129 - 158}

Questions from Committee Members and Responses:

{Tape : 1; Side : B; Approx. Time Counter : 158 - 550}

{Tape : 2; Side : A; Approx. Time Counter : 0 - 28}

Closing by Sponsor:

Rep. Younkin made closing statements.

{Tape : 2; Side : A; Approx. Time Counter : 28 - 64}

HEARING ON HB 308

Sponsor:

Rep. Hagener presented HB 308.

{Tape : 2; Side : A; Approx. Time Counter : 64 - 102}

Proponents:

None

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

Rep. Hagener made closing statements.

{Tape : 2; Side : A; Approx. Time Counter : 102 - 113}

HEARING ON HB 309

Sponsor:

Rep. Molnar presented HB 309.

{Tape : 2; Side : A; Approx. Time Counter : 113 - 241}

Proponents:

None

Opponents:

Beth Baker, Montana Dept. of Justice

{Tape : 2; Side : A; Approx. Time Counter : 241 - 371}

EXHIBIT (juh16a0

5)

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 2; Side : A; Approx. Time Counter : 371 - 550}

{Tape : 2; Side : B; Approx. Time Counter : 0 - 237}

Closing by Sponsor:

Rep. Molnar made closing statements.

{Tape : 2; Side : B; Approx. Time Counter : 237 - 370}

HEARING ON HB 263

Sponsor:

Rep. Wyatt presented HB 263.

{Tape : 2; Side : B; Approx. Time Counter : 370 - 398}

Proponents:

Robert Throssell, Montana Magistrates Association
{Tape : 2; Side : B; Approx. Time Counter : 398 - 550}

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 3; Side : A; Approx. Time Counter : 0 - 70}

Closing by Sponsor:

Rep. Wyatt made closing statements.
{Tape : 3; Side : A; Approx. Time Counter : 70 - 79}

EXECUTIVE ACTION ON HB 143

Motion: REP. AHNER moved that HB 143 BE PASSED.

Motion: REP. MOLNAR moved that HB 143 BE TABLED.

that motion failed. 8 votes to 12 votes.

Motion/Vote: REP. YOUNKIN moved that HB 143 BE PASSED AS AMENDED. Motion carried unanimously.

Motion/Vote: REP. MCGEE moved that HB 143 BE TABLED. Motion failed 9-11.

(Rep. Younkin left the room)

Motion/Vote: REP. ANDERSON moved that HB 143 BE POSTPONED.

Motion failed 8-11.

Motion/Vote: REP. AHNER moved that HB 143 BE PASSED AS AMENDED.

Motion failed 8-12 with Ahner, Anderson, Clark, Clark, Curtiss, Eggers, Facey, Jore, McGee, Molnar, Noennig, and Shockley voting nays.

Reversed the vote and TABLED.

{Tape : 3; Side : A; Approx. Time Counter : 79 - 550}

{Tape : 3; Side : B; Approx. Time Counter : 0 - 146}

EXECUTIVE ACTION ON HB 59

Motion/Vote: REP. AHNER moved that HB 59 BE PASSED. Motion carried 12-8 with Gallus, Gutsche, Hurdle, Jore, McGee, Molnar, Shockley, and Williams voting no.

{Tape : 3; Side : B; Approx. Time Counter : 146 - 190}

EXECUTIVE ACTION ON HB 147

Motion: REP. ANDERSON moved that HB 147 BE PASSED.

Motion/Vote: REP. WYATT moved that HB 147 BE TABLED. Motion carried 17-3 with Yunkin, Gallus, and Anderson voting no.

{Tape : 3; Side : B; Approx. Time Counter : 190 - 298}

EXECUTIVE ACTION ON HB 77

Motion: REP. GALLUS moved that HB 77 BE PASSED.

Motion/Vote: REP. ANDERSON moved that HB 77 BE TABLED. Motion failed 7-13.

Motion/Vote: REP. NOENNIG moved that HB 77 BE AMENDED. Motion carried unanimously.

Motion/Vote: REP. HURDLE moved that HB 77 BE PASSED AS AMENDED. Motion carried 16-4 with Anderson, Jore, McGee, and Noennig voting no.

Rep. Wyatt moved be adjourned, motion passed.

{Tape : 3; Side : B; Approx. Time Counter : 298 - 550}

{Tape : 4; Side : A; Approx. Time Counter : 0 - 450}

ADJOURNMENT

Adjournment: 11:50 A.M.

REP. ROBERT C. CLARK, Chairman

PAM SCHINDLER, Secretary

RC/PS

EXHIBIT (juh16aad)